

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Part 97 of the	)	
Commission's	)	
Amateur Radio Service Rules to	)	RM - 10786
Eliminate	)	
Morse Code Proficiency Testing	)	
Requirements	)	
For All Classes of Amateur	)	
Licenses	)	
	)	
To: The Commission	)	

Comments Of Michael F. Duckett - [KC7KGO](#)

[Gentlemen;](#)

I am in complete agreement and support of the petition filed by NCI (No Code International) to eliminate the code test requirements for all classes of amateur radio licenses. However, I wish to bring up an additional point not considered in the original petition.. That point is the discrimination against certain types of learning disabilities that the code requirement presents.

As was pointed out in the Petition, The knowledge of Morse Code was indeed originally a necessity given the technology of the era it was invented in. But as was also pointed out, the technical reasons for the its use have, over the years, diminished to the point where it ceases to be a necessity of operation.

When the code was an operating necessity, there was legitimate reason to discriminate against those who simply could not, for whatever reason, learn the code. That their operation, did indeed, represent a potential interference to radio traffic and the inability for them to either understand or respond to directives from official stations.

Today, however, most operations on the HF bands are conducted either in phone or some digital mode (other than Morse Code). Also, we no longer use official stations as we once did, and if we did, they would communicate in the mode

being used at the time. This means that the requirement to know Morse Code is no longer being maintained out of necessity, but rather, for political reasons (the ITU Treaty). Since maintaining the code requirement is now political (in nature) rather than a technical necessity, it becomes arbitrary.

The reasoning for discrimination against those who cannot learn Morse code is no longer valid and represents an arbitrary discrimination. Since the advent of the Americans with Disabilities Act of 1996 (as amended), this discrimination violates Federal Regulations. However, this violation has been justified by the fact that it was based on an international treaty (which is now no longer the case). Therefor, in my view, every day that the FCC maintains the code requirements is a day that it is in non-compliance with Federal Regulations.

Thus, at this time, I request that you bring the licensing requirements for amateur radio into compliance with Federal Regulations (specifically, the Americans with Disabilities Act of 1996, as amended).

Coduially,

Michael F. Duckett Sr.